**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO. 6582 OF 2005**

Charulata Khanna ...Applicant

Versus

Mr.Arthur D'souza & Anr ...Respondents

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Mr. S.A. Khagwat i/b Mr.H.H. Nagi, Advocate for Applicant.

Ms. S.V. Gajare, A.P.P. for State.

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**CORAM: SMT. V.K. TAHILRAMANI, J.**

**DATED: 6TH OCTOBER, 2005**

**P. C.:-**

1. Heard the learned advocate for the applicant and the learned A.P.P. for the State.

2. The applicant has prayed for quashing of process issued against him in Criminal Case No.46/S/2003 which is pending in the Court of learned Chief Metropolitan Magistrate, 20th Court, Mazgaon, Mumbai. In the said case, process has been issued against the applicant under Section 138 r.w. 141 of Act.

3. For the reasons recorded in the decision of this Court in the case of **V.K. Jain & Ors. Vs. Pratap Vs. Padode and Anr, reported in 2005(3) Mh.L.J.**

**778,** in my opinion, the applicant has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicant prefers revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicant to prefer revision before the concerned Sessions Court. The learned advocate for the applicant states that the necessary revision would be preferred within a period of three weeks from today. I am informed that the date before the trial court is on 7.10.2005. In view of this statement, the trial Court shall not proceed with the trial on 7.10.2005 and for a period of three weeks thereafter.

5. On the necessary revision being preferred by the applicant before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. Office to issue an authenticated copy of this order to the parties.

7. Application is disposed of.

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